

**IN THE UNITED STATES BANKRUPTCY COURT  
IN AND FOR THE MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

CASE NO.: 3:14-bk-05069-PMG  
Chapter 13

In re: JOHN EDWARD DAVIS, II  
and KIMBERLY M. DAVIS,

Debtors.

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**ORDER GRANTING DEBTOR'S MOTION TO DETERMINE  
SECURED STATUS OF BARRY S. KASS AND CAROL P. KASS (MORTGAGE  
HOLDERS) AND TO STRIP LIEN EFFECTIVE UPON DISCHARGE**

THIS CASE is before the Court on the Debtors' Motion To Determine Secured Status of Barry S. Kass and Carol P. Kass (Mortgage Holders) and to Strip Lien (the "Motion"). The motion was served on all interested parties with the Local Rule 2002-4 negative notice legend informing the parties of their opportunity to object within 30 days of the date of service. No party filed an objection within the time permitted. The Court therefore considers the matter to be unopposed. It is

**ORDERED:**

1. The Motion is GRANTED.
2. The claim filed by BARRY and CAROL KASS, Mortgage Holders, if any, shall be treated as an unsecured claim in the Chapter 13 Case.
3. The real property (the "Real Property") that is the subject of the Motion is located at 3812 Ron Road, Green Cove Springs, FL 32043, and more particularly described as follows:  
  
See Legal Description attached as Exhibit "A".
4. The mortgage held by BARRY KASS and CAROL KASS, Mortgage Holders,

recorded on 07/11/2006, at Official Records Book 2756, Pages 1024-1029, of the official records of Clay County, Florida, shall be deemed void and shall be extinguished automatically, without further court order, upon entry of the Debtors' discharge in this Chapter 13 case; provided, however, that the Court reserves jurisdiction to consider, if appropriate, the avoidance of BARRY KASS and CAROL KASS, Mortgage Holders' lien prior to the entry of the Debtors' discharge.

Further, if this case is converted to a case under Chapter 7, or if this Chapter 13 case is dismissed, the mortgage will no longer be considered void and shall be restored as a secured debt.

DONE and ORDERED in Jacksonville, Florida, this 29th day of April, 2015



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Paul M. Glenn  
United States Bankruptcy Judge

Attorney J. Garfield Hurt is directed to serve a copy of this order on interested parties and file a proof of service within three days of entry of the order.

RECORDED IN THE US BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA.  
JACKSONVILLE DIVISION  
J.B. VOL. 5A, NO. 8206

EXHIBIT 'A'

A PARCEL OF LAND SITUATED IN THE SOUTH ¼, OF THE NORTHEAST ¼, OF SECTION 12, TOWNSHIP 6 SOUTH, RANGE 25 EAST, CLAY COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE ON THE EAST LINE THEREOF, RUN SOUTH 00°40'48" EAST 2,698.58 FEET TO THE SOUTH LINE OF SAID NORTHEAST ¼; THENCE ON LAST SAID LINE SOUTH 88°51'00" WEST 990.39 FEET; THENCE NORTH 00°35'23" WEST 875.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°35'23" WEST 291.91 FEET; THENCE SOUTH 88°51'00" WEST 495.0 FEET; THENCE SOUTH 00°35'23" EAST 291.91 FEET; THENCE NORTH 88°51'00" EAST 495.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS, AND UTILITIES COVERING THE FOLLOWING DESCRIBED PORTION OF SECTION 12;

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE ON THE EAST LINE THEREOF RUN SOUTH 00°40'48" EAST 1,011.96 FEET TO THE NORTH LINE OF THE SOUTH ¼, OF THE SOUTH ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼; THENCE ON LAST SAID LINE, SOUTH 88°27'48" WEST 957.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ON LAST SAID LINE, SOUTH 88°27'48" WEST 60.0 FEET; THENCE SOUTH 00°35'23" EAST 1,679.77 FEET TO THE SOUTH LINE OF THE SOUTHEAST ¼ OF THE NORTHEAST 1/4; THENCE SOUTH 00°25'58" EAST 1,974.23 FEET TO THE NORTH LINE OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SAID SECTION 12; THENCE ON LAST SAID LINE, NORTH 88°45'00" EAST 60.00 FEET; THENCE NORTH 00°25'58" WEST, 1,974.12 FEET TO THE SOUTH LINE OF SAID SOUTHEAST ¼ OF THE NORTHEAST ¼; THENCE NORTH 00°35'23" WEST 1,680.18 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES COVERING A PORTION OF SECTION 12, TOWNSHIP 6 SOUTH, RANGE 25 EAST, CLAY COUNTY, FLORIDA; SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 12; THENCE ON THE EAST LINE THEREOF, RUN SOUTH 00°40'48" EAST 2,698.58 FEET, TO THE SOUTH LINE OF THE SOUTHEAST ¼, OF THE NORTHEAST ¼; THENCE ON LAST SAID LINE, SOUTH 88°51'00" WEST 1,020.39 FEET, TO THE WEST LINE OF A 60 FOOT EASEMENT FOR INGRESS, EGRESS AND UTILITIES; THENCE ON LAST SAID LINE, RUN THE FOLLOWING TWO COURSES: (1) NORTH 00°35'23" WEST 845.73 FEET TO THE POINT OF BEGINNING; (2) NORTH 00°35'23" WEST 60.00 FEET; THENCE SOUTH 88°51'00" WEST 465.00 FEET; THENCE SOUTH 00°35'23" EAST 60.00 FEET; THENCE NORTH 88°51'00" EAST 465.00 FEET TO THE POINT OF BEGINNING.